

Table 5: Disclosure

Voluntary Exchange Encouraged?—Does the court encourage voluntary exchange of discoverable information?

Required Disclosure—What information must be disclosed, in what types of cases, and when? (“Core information” is used in the table to denote disclosure of: the name, address, and telephone number of each individual likely to have discoverable information relevant to disputed facts; a copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts; a computation of any category of damages claimed by the disclosing party; and any relevant insurance agreements.)

Disclosure of Expert Witnesses—What information about expert witnesses must be disclosed, in what types of cases, and when?

Pretrial Disclosure—What is the nature of pretrial disclosure, in what types of cases, and when?

Other—Are there other relevant provisions?

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|--------------------------------|---|--|---|-------|
| M.D. Ala. | Yes | IA | IA | IA | |
| N.D. Ala. | IA | Types of cases: All civil cases except certain case categories exempted in the local rules Things to be disclosed: Core information Timing: Unless otherwise ordered or stipulated, these disclosures will be made at or within 20 days after the meeting of the parties under paragraph (d) of Loc. R. 26.1. | Unless otherwise ordered by the court in a particular case, the requirements of Fed. R. Civ. P. 26(a)(2), relating to disclosure of expert testimony do not apply in cases initially filed in, removed to, or transferred to this court before 12/1/93, and by written stipulation the parties may agree to other times for providing information about expert testimony, to exempt one or more experts from the requirement of a written report, or to modify the | Except as otherwise ordered by the court in a particular case, disclosures under Fed. R. Civ. P. 26(a)(3) will be filed with the court promptly after being served. | |

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| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|---|--|---|--------------------------------|---|
| | | Loc. R. 26.1 | information to be contained in the written reports. Unless otherwise ordered by the court in a particular case, the plaintiff will make its disclosures under Fed. R. Civ. P. 26(a)(2) at least 90 days before the date the case is set for trial or to be ready for trial and the defendant will make its disclosures under Fed. R. Civ. P. 26(a)(2) within 30 days after plaintiff's disclosures. | | |
| S.D. Ala. | IA | IA | IA | IA | |
| D. Alaska | IA Loc. R. 26.1 (1/3/95) Loc. R. 26.2(a) (1/3/95) | IA Loc. R. 26.2 (1/3/95) | IA Loc. R. 26.2(2) (1/3/95) | IA Loc. R. 26.2(1)(A) | The court is "favorably disposed" toward some type of mandatory, automatic disclosure rule. The court will experiment with automatic disclosure and with differential case management, and will await the outcome of the local rules revision process, as well as proposed changes to the Fed. R. Civ. P. |
| D. Ariz. | Cases will be evaluated for voluntary exchange of information on a case by case basis pursuant to the Fed. R. Civ. P. | IA | IA | IA | |
| E.D. Ark. | IA | IA Loc. R. D-4 (5/1/80) | IA Loc. R. D-4 (5/1/80) | IA Loc. R. D-4 (5/1/80) | |
| W.D. Ark. | IA | IA Loc. R. D-4 (5/80) | IA Loc. R. D-4 (5/80) | IA Loc. R. D-4 (5/80) | |
| C.D. Cal. | IA Loc. R. 1.1–6.14 Loc. R. 9.4 | IA Loc. R. 6.1 Loc. R. 9.5 Loc. R. 7.15 | IA Loc. R. 9.4 Loc. R. 9.4.6 | IA | |

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|-----------|---|--|---|--------------------------|-------|
| E.D. Cal. | IA | IA Loc. R. 253 (12/93) | IA Summary of Court Practices, at 56–57 (12/91) Loc. R. 281(b)(10) (10/84; Revised 5/91) | IA Loc. R. 281(b) | |
| N.D. Cal. | IA | The court requires early, mandatory exchange of certain kinds of core information, independent of formal discovery, as part of the Case Management Pilot Program. General Order 34 § VII B (1/1/92; Revised 1/1/93, 12/1/93, 1/18/94) | IA General Order 34 § VII G (1/1/92; Revised 1/1/93, 12/1/93, 1/18/94) | IA Loc. R. 235-7 | |
| S.D. Cal. | Voluntary exchange is encouraged. | Types of cases: All civil cases Things to be disclosed: Core information Timing: Disclosure will take place at a reasonable time before the case management conference. | Types of cases: All civil cases Things to be disclosed: Plaintiff's counsel will identify principal witnesses. Plaintiff's counsel will identify claims asserted and defendant's counsel will identify the defenses to these claims. Timing: Disclosure will take place at a reasonable time before the case management conference. | IA | |
| D. Colo. | Voluntary disclosure is encouraged. Loc. R. 26.1(A) (Revised 4/15/94) | IA | IA | IA | |
| D. Conn. | The court encourages voluntary exchange and other cooperative discovery services. | IA | IA | IA | |

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| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|--|---|--|---|--|
| D. Del. | IA Loc. R. 16.2(a) (Revised 1/95) | Types of cases: Personal injury, medical malpractice, employment discrimination, or a civil action under the Racketeer Influenced and Corrupt Organizations Act Things to be disclosed: Core information Timing: This information must be included with the initial pleading. Loc. R. 16.2(a) (Revised 1/95) | Types of cases: Personal injury, medical malpractice, employment discrimination, or a civil action under the Racketeer Influenced and Corrupt Organizations Act Things to be disclosed: The identification of all expert witnesses presently retained by the party or whom the party expects to retain, together with the dates of any written opinions proposed by the experts Timing: This information must be included with the initial pleading. Loc. R. 16.2(a) (Revised 1/95) | IA Loc. R. 16.4(e) (Revised 1/95) | |
| D.D.C. | IA | IA Loc. R. 207(a) (Revised 3/1/94) | Types of cases: IA Things to be disclosed: IA Timing: Dates for the exchange of expert witness information are discussed at the meet and confer conference and are required in the scheduling statement submitted to the court 10 days after the conference. Loc. R. 207(a) (Revised 3/1/94) | IA Loc. R. 207(a) (Revised 3/1/94) | The CJRA Plan does not specifically encourage voluntary disclosure, but it does provide opportunities for such disclosure in the meet and confer conference. The nature of the disclosure seems to be negotiable between the parties, subject to a final decision by the judge. Loc. R. 206(c) (3/1/94) |
| M.D. Fla. | Yes (PD) | IA | IA | IA | The revised Loc. R. 3.05(d) provides that the initial disclosure requirements described in Fed. R. Civ. P. 26(a)(1)(A) and (B) are not mandatory, except as stipulated by the parties or otherwise ordered by the court. The other disclosures required by Fed. R. Civ. P. 26 will be made in track 2 |

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|-----------|---|---|--|--|---|
| | | | | | cases in the time and manner required by that rule unless otherwise ordered by the court, but will not be required in track 1 or track 3 cases unless otherwise ordered by the court. |
| N.D. Fla. | IA | Types of cases: All cases except those exempted in the uniform scheduling order Things to be disclosed: Core information Timing: 30 days after entry of the uniform scheduling order Loc. R. 26.1 (Proposed) Loc. R. 26.2 (Proposed) | Types of cases: All cases except those exempted in the uniform scheduling order Things to be disclosed: Core information Timing: The plaintiff has 60 days after entry of the uniform scheduling order; all other parties have 30 days thereafter. | Types of cases: All cases except those exempted in the uniform scheduling order Things to be disclosed: Core information Timing: 30 days after entry of the uniform scheduling order | |
| S.D. Fla. | Local rule requires parties to meet within 20 days after the filing of the answer (or within 60 days after the filing of the complaint) to exchange documents, witness lists, and other information. (This requirement was modified on 2/15/93.) Loc. R. 16.1(B) (2/15/93) | Types of cases: Exchange of certain information is required in all civil cases except those types of cases exempted from scheduling requirements in Table 2. Things to be disclosed: Information to be exchanged includes documents and witness lists as required by local rule. Timing: Local rule requires parties to exchange documents within 20 days after the filing of the answer (or within 60 days after the filing of the complaint). (This requirement was modified on 2/15/93.) | IA Loc. R. 16.1(B) (2/15/93) | IA Loc. R. 16.1(B) (2/15/93) | |
| M.D. Ga. | IA | IA | IA | IA | The court was poised to adopt a local rule mandating early exchange of basic information, but abandoned this plan when amendments |

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|----------|---|---|--|---|---|
| | Loc. R. 4.1a (6/2/93) | Loc. R. 4.1a (6/2/93) | Loc. R. 4.1a (6/2/93) | Loc. R. 4.1a (6/2/93) | to Fed. R. Civ. P. 26 were proposed. If these amendments are ultimately rejected, the court will consider whether or not to adopt mandatory interrogatories. |
| N.D. Ga. | IA | IA | IA | IA | The court will require all plaintiffs and defendants to answer a series of mandatory interrogatories developed by the court, file these answers with the court, and serve them upon each adverse party. |
| | | Loc. R. 201-2 | Loc. R. 201-2 | Loc. R. 235-4 (1/1/82; Revised 7/1/92) | Loc. R. 201-2 |
| S.D. Ga. | Voluntary exchange of information is required through the use of standard interrogatories. Loc. R. 8.5 (1/82; Revised 6/94); Renumbered Loc. R. 26.3 | Types of cases: All but exempted cases Things to be disclosed: Core information through standard interrogatories Loc. R. 8.6 (1/82; Revised 6/94); Renumbered 26.3 Loc. R. 8.7 (1/82; Revised 6/94); Renumbered 26.4 | Types of cases: All but exempted cases Things to be disclosed: Written report of expected testimony Timing: With answers to standard interrogatories and the initial pleadings Loc. R. 8.6 (1/82; Revised 6/94); Renumbered 26.3 Loc. R. 8.7 (1/82; Revised 6/94); Renumbered 26.4 | Types of cases: All but exempted cases Things to be disclosed: Core information through standard interrogatories Loc. R. 8.6 (1/82; Revised 6/94); Renumbered 26.3 Loc. R. 8.7 (1/82; Revised 6/94); Renumbered 26.4 | |
| D. Guam | Exchange of documents and witness lists is required at the meeting of counsel after receipt of the clerk's scheduling notice. | Types of cases: All cases except those noted in Table 2 Things to be disclosed: All documents then reasonably available to a party that are contemplated to be used in support of the allegations of the pleading, any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions, and a list of witnesses then known to have knowledge of the facts supporting the material | IA | Types of cases: All cases except those noted in Table 2 Things to be disclosed: Any evidence then reasonably available to a party Timing: Within 15 days of receipt of the clerk's scheduling notice | Before initiating discovery, a party must submit core information to the other parties. This obligation is reciprocal and continues throughout the case. |

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| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|--|--|--|---------------------|--|
| | Loc. R. 235-5 (1983; Revised 5/31/94; 9/12/94) Loc. R. 230-1 (1983; Revised 9/12/94) | allegations of the pleading. Timing: Within 15 days of receipt of the clerk's scheduling notice | | | |
| D. Haw. | Yes (PD) | IA | IA | IA | Fed. R. Civ. P. 26 will not be implemented at this time but will instead be referred to the rules committee for local rule modifications. |
| D. Idaho | IA | Types of cases: All civil cases Things to be disclosed: Core information Timing: At least 14 days prior to scheduling conference. (This is a revision of the CJRA Plan.) Loc. R. 26.2(a) (Revised 7/94) | Types of cases: All civil cases Things to be disclosed: Core information Timing: At least 120 days before scheduled trial date. (This is a revision of the CJRA Plan.) Loc. R. 26.2(a) (Revised 7/94) | IA | |
| C.D. Ill. | IA Loc. R. 2.11 (1/92; Revised 1/94) | IA Loc. R. 2.11 (1/92; Revised 1/94) Loc. R. 2.10 (1/92) | IA Loc. R. 2.11 (1/92; Revised 1/94) Loc. R. 2.10 (1/92) | IA | |
| N.D. Ill. | Yes | IA Loc. Gen. R. 5.00B (6/26/85) | IA Loc. Gen. R. 5.00B (6/26/85) | IA | The court will amend local Gen. R. 5.00 such that, unless ordered by the court, the automatic disclosure provisions of Fed. R. Civ. P. 26(a)(1) will not apply. Loc. Gen. R. 18 |
| S.D. Ill. | Cooperative discovery arrangements are mandated. | Types of cases: All civil cases Things to be disclosed: Core information Timing: Disclosure must be made by each plaintiff within 20 days after a defendant enters an appearance, by each defendant within 20 | The court rejected the Advisory Group's recommendation regarding disclosure of expert witnesses. | IA | Except by leave of the court, a party may not seek discovery until after making the required disclosures. Every party who has made the required disclosure is under an obligation to seasonably supplement or correct its submissions as needed. Each disclosure or supplement will be signed by |

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|-----------|---|---|--|--|---|
| | Loc. R. 12(a)(b) (5/92; Revised 3/94) | days after entering an appearance, and by any party that has appeared in the case within 20 days after receiving a written demand from another party demanding early disclosure accompanied by the demanding party's disclosures. Loc. R. 12(a)(1)(2) (5/92; Revised 3/94) | | | at least 1 attorney of record or by the party if that party is not represented by an attorney. The parties, by stipulation, may expand the scope of required discovery. Loc. R. 12(3)(4)(5) (5/92; Revised 3/94) |
| N.D. Ind. | The court encourages voluntary exchanges beyond that required by Fed. R. Civ. P. 26(a). | The court follows and applies Fed. R. Civ. P. 26(a). (This is a revision of the CJRA Plan.) | The court follows and applies Fed. R. Civ. P. 26(a)(2). (This is a revision of the CJRA Plan.) | The court follows and applies Fed. R. Civ. P. 26(a)(3). (This is a revision of the CJRA Plan.) | |
| S.D. Ind. | IA Loc. R. 26.3 | IA | IA | IA | |
| N.D. Iowa | IA | IA Loc. R. 16(a) | IA | IA | The Advisory Group recommended that the court encourage voluntary exchange of information and that the court limit depositions to 10 per side in noncomplex cases. The court deferred action on these recommendations pending action on the proposed changes to Fed. R. Civ. P. 26(f) and 30. (The court later opted out of the mandatory disclosure requirements in Fed. R. Civ. P. 26.) |
| S.D. Iowa | The Advisory Group recommends voluntary exchange, but the court is awaiting taking any action until after a determination of whether Fed. R. Civ. P. 26(a)(1) becomes law on 12/1/93. | IA | IA | IA | |
| D. Kan. | IA | IA | IA | IA | |

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|----------|---|---|---|--|-------|
| E.D. Ky. | There should be an early meeting of representatives in all civil cases (except prisoner civil rights, habeas corpus, extraordinary writs, and U.S. cases such as student loan and forfeiture cases) to exchange information such as the names of witnesses and documents then available to the parties. | IA | IA | IA | |
| W.D. Ky. | The court will await Congress's action on the proposed changes to the Fed. R. Civ. P. so as not to duplicate congressional action with a local rule. General Order (EOD 2/1/94) | IA General Order (EOD 2/1/94) | IA | IA | |
| E.D. La. | Voluntary disclosure will be completed as ordered by the court. Loc. R. 6.06E(a) (12/93) | Types of cases: All civil cases Things to be disclosed: A list of all witnesses who may or will be called to testify at trial and all exhibits that may or will be used at trial Timing: No later than 60 days prior to the final pretrial conference Loc. R. 6.06E(a) (12/93) | Types of cases: All civil cases Things to be disclosed: Written reports of experts who may be witnesses setting forth all matters about which they will testify and the basis therefore Timing: The reports will be delivered by plaintiffs to counsel for defendants no later than 90 days prior to final pretrial conference date, and by defendants to plaintiffs no later than 60 days prior to final pretrial conference date. Loc. R. 6.06E(a) (12/93) | Types of cases: All civil cases Things to be disclosed: The pretrial order submitted by the parties prior to the final pretrial conference must include a list of all witnesses who will or may testify, a list of all exhibits intended to be introduced at trial, and a list of all deposition testimony to be used at trial Timing: 1 week prior to the final pretrial conference Loc. R. 6.06E(b) (12/93) | |
| M.D. La. | Voluntary disclosure will be completed as ordered by the court. | Types of cases: All civil cases Things to be disclosed: Medical reports and the names and written reports of | Types of cases: All civil cases Things to be disclosed: Medical reports and the names and written reports of | IA | |

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| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|----------|--|--|--|--|--|
| | | experts the plaintiff and defendant intend to call at trial Timing: Within the time limits established by the court Loc. R. 6.06E Loc. R. 6.06M | experts the plaintiff and defendant intend to call at trial Timing: Within the time limits established by the court Loc. R. 6.06E Loc. R. 6.06M | | |
| W.D. La. | IA | IA | IA | IA Loc. R. 6.04W (5/89; Revised 4/92, 11/93) | The court will enact a local rule that prevents the initial disclosure provisions of Fed. R. Civ. P. 26 from applying to civil cases in this district. Loc. R. 6.06W (11/93; Revised 7/94) |
| D. Me. | Voluntary exchange is encouraged. | IA | IA | IA | The court has opted out of the mutual disclosure prescribed by Fed. R. Civ. P. 26(a)(1) and the meeting requirement prescribed by Fed. R. Civ. P. 26(f). |
| D. Md. | IA Loc. R. 104.4 Loc. R. 104.10 | IA Loc. R. 104.4 Loc. R. 104.10 | IA Loc. R. 104.4 Loc. R. 104.10 | IA Loc. R. 104.4 Loc. R. 104.10 | |
| D. Mass. | The court encourages voluntary disclosure through the use of informal, cooperative discovery practices and stipulations. | Types of cases: All civil cases Things to be disclosed: Core information as required by Fed. R. Civ. P. 26(a)(1) Timing: Before a party can initiate any discovery | Types of cases: All civil cases Things to be disclosed: Information required by Fed. R. Civ. P. 26(a)(2) Timing: Unless otherwise ordered, at least 90 days before the final pretrial conference | Types of cases: All civil cases Things to be disclosed: The description and location of all documents that are reasonably likely to bear on any of the claims or defenses Timing: Throughout the case. After the initial, required disclosure, discovery requests will be made by discovery motion | The judge may order the parties to submit at the scheduling conference or at any time thereafter sworn statements disclosing certain information to all other parties. That information may include: 1. all economic loss and damages for which recovery is sought; 2. identification of all persons then known to the claimant or defendant who either witnessed or participated in the occurrence giving rise to the claim or who have discoverable information; 3. identification of all |

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| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|------------|--|--|--|-------------------------------------|--|
| | Loc. R. 26.1(A) (10/92) | Loc. R. 26.2(A) (10/92; Revised 12/94) | Loc. R. 26.4 (10/92; Revised 12/94) | Loc. R. 26.2(B) | opposing parties from whom statements have been obtained by the claimant or the defendant; and 4. identification of all government agencies or officials then known to the claimant or defendant to have investigated the occurrence giving rise to the claim. Loc. R. 26.1(B) (10/92) |
| E.D. Mich. | As a matter of policy, the court will encourage the voluntary exchange of all discovery material among litigants. | IA | IA | IA | |
| W.D. Mich. | IA Administrative Order 93-125 | IA Loc. R. 31 (Revised 8/92) | IA Loc. R. 31 (Revised 8/92) Administrative Order 93-125 | IA Loc. R. 31 (Revised 8/92) | The court opted out of the provisions of Fed. R. Civ. P. 26(a)(1). The provisions of Fed. R. Civ. P. 26(a)(1) concerning initial disclosure will not apply to any case brought in this district, except that the disclosures required therein may be directed by the court by order entered in a particular case. Administrative Order 93-125 |
| D. Minn. | The local rules committee is reviewing the possibility of including in the local rules disclosure of core information. | IA | IA | IA | The local rules committee is reviewing the extent of required disclosures. |
| N.D. Miss. | The need for voluntary disclosure is discussed by counsel during the preparation of the joint case management plan. | Types of cases: All civil cases Things to be disclosed: Core information, except insurance agreements Timing: Core information is served with the complaint, counter claim, cross-claim, or third party claim. For responding parties, | IA | IA | In removed cases, plaintiffs must file initial disclosures within 15 days of removal (not tolled for motion to remand). Administrative track, pro se prisoner, and temporary restraining order cases are exempt from the discovery/disclosure provisions. If a case is filed too near the statute of limitations, the plaintiff is |

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|------------|---|--|--------------------------------|---|---|
| | | disclosure occurs within 45 days of an asserted claim (with disclosure) or when any responsive pleading is due (whichever is later), or within 15 days of service of responding party's disclosures. | | | given 30 days for required disclosure. The U.S. as a defendant will be allowed to file disclosures when the answer is due under Fed. R. Civ. P. 12(a). |
| S.D. Miss. | The need for voluntary disclosure is discussed by counsel during the preparation of the joint case management plan. | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Core information, except insurance agreements</p> <p>Timing: Core information is served with the complaint, counter claim, cross-claim, or third party claim. For responding parties, disclosure occurs within 45 days of an asserted claim (with disclosure) or when any responsive pleading is due (whichever is later), or within 15 days of service of responding party's disclosures.</p> | IA | IA | In removed cases, plaintiffs must file initial disclosures within 15 days of removal (not tolled for motion to remand). Administrative track, pro se prisoner, and temporary restraining order cases are exempt from the discovery/disclosure provisions. If a case is filed too near the statute of limitations, the plaintiff is given 30 days for required disclosure. The U.S. as a defendant will be allowed to file disclosures when the answer is due under Fed. R. Civ. P. 12(a). |
| E.D. Mo. | IA | IA | IA | IA | |
| W.D. Mo. | IA | <p>IA</p> <p>Loc. R. 15D (1/83; Revised 1/84, 9/92, 7/94) Loc. R. 15N (1/83; Revised 1/84, 9/92, 7/94)</p> | IA | <p>IA</p> <p>Loc. R. 17 (1/83; Revised 7/94)</p> | <p>The scheduling order will include the date by which each party will designate expert witnesses and the date by which the depositions of all expert witnesses will be concluded.</p> <p>Loc. R. 15P (1/83; Revised 1/84, 9/92, 7/94)</p> |
| D. Mont. | Voluntary exchange of information is encouraged by the court. | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: The factual basis of every claim, the legal theory of every claim, and core information</p> | IA | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: The factual basis of every claim, the legal theory of every claim, and core information</p> | |

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|----------|--------------------------------|---|---|--|---|
| | | Timing: Prior to initiation of discovery, but not later than 15 days in advance of preliminary pretrial conference Loc. R. 200-5(a) | Loc. R. 235-1(c)(8) | Timing: Prior to initiation of discovery, but not later than 15 days in advance of preliminary pretrial conference Loc. R. 200-5(a) | |
| D. Neb. | IA | IA Loc. R. 16.2(a) (Revised 1/93) | IA Loc. R. 16.2(a) (Revised 1/93) | IA Loc. R. 16.2(a) (Revised 1/93) | |
| D. Nev. | CR | CR | CR | CR | A special study committee will consider disclosure issues. |
| D.N.H. | Yes | IA | IA Loc. R. 10(a)(1) (5/69; Revised 1/85) | IA | The court opts out of the changes in Fed. R. Civ. P. 26(a). In certain cases, the court will develop a series of standing discovery orders at the preliminary pretrial conference in order to limit discovery. Loc. R. 14.1 (3/94) |
| D.N.J. | IA | IA Gen. R. 40A.4(c) | IA Gen. R. 15B.3(b) (12/91) | IA Gen. R. 40A.4(c) | |
| D.N.M. | IA | IA | IA | IA | The district has adopted Fed. R. Civ. P. 26. |
| E.D.N.Y. | IA | For 42 months starting 2/1/92: Types of cases: All civil cases except Social Security, habeas corpus, pro se, and civil rights cases Things to be disclosed: Core information, without a computation of damages but including authorization to obtain medical, hospital, no-fault, and worker's compensation records Timing: Disclosure will | Types of cases: All civil cases Things to be disclosed: Any evidence under Fed. R. Evid. 702, 703, or 705. This includes statements of all opinions expressed, information relied on, exhibits of expert's qualifications, and a listing of any other cases in which the expert has testified as such (at trial or deposition) within the last 4 years. Timing: Disclosure will | IA | Nine months from the CJRA Plan's effective date, the Advisory Group will begin a study of the automatic disclosure procedure and report on the possibility of modifying, revoking, expanding, or adopting them as local rules. |

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| | | occur within 30 days of service of answer of complaint, and in any event, within 30 days after receiving a written demand (from another party) accompanied by the demanding party's disclosures. The court may impose sanctions for failure to disclose. Within 14 days of disclosures (unless the court specifies a different time) other parties will serve and file objections on admissibility or Fed. R. Civ. P. 32(a) grounds (except for Fed. R. Evid. 402 or 403 objections). Objections not so made will be deemed waived unless good cause is shown. | occur at least 30 days before the date the court has directed the case to be ready for trial (unless the court designates otherwise). If the disclosure occurs only for contradiction or rebuttal, the disclosure must be made within 30 days of the other party's disclosure. All disclosures are subject to a duty of supplementation. | | |
| N.D.N.Y. | Parties must voluntarily exchange discoverable information and must avoid unnecessary discovery. Loc. R. 7.1(e) | IA General Order 40 | IA Loc. R. 26.3 | IA Loc. R. 7.1(e) | |
| S.D.N.Y. | IA | Types of cases: Cases on the expedited track Things to be disclosed: Defined categories of relevant documents Timing: Automatic | IA | IA | The court should adopt guidelines for deposition practice, interrogatories, requests for documents, and discovery of experts. |
| W.D.N.Y. | IA | IA | IA | IA | If the case is not resolved at a pretrial conference, counsel for each party will file a pretrial statement that includes a statement of contested and uncontested facts, a statement of issues of law, a list of witnesses, qualifications of experts, a list of exhibits, a list of deposition testimony, a list of |

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|----------|---|--|---|--|--|
| | | | | | special damages, and any submissions directed by the judicial officer. |
| E.D.N.C. | IA | IA | <p>Types of cases: All cases using expert testimony</p> <p>Things to be disclosed:</p> <ol style="list-style-type: none"> 1. Name and address of each expert witness expected to be called at trial; 2. Substance of facts to which the witness will testify; 3. Meaningful statement of each opinion to which the expert is expected to testify and its basis; 4. Any exhibits to be used in summary support of expert testimony; 5. The qualifications of each witness; 6. The compensation for the testimony; and 7. A listing of any other cases in which the witness has testified as an expert at trial or by deposition during the preceding 4 years. <p>Timing: Prior to trial</p> | <p>IA</p> <p>Loc. R. 24.00</p> | |
| M.D.N.C. | No | IA | <p>IA</p> <p>Loc. R. 203(e)</p> | <p>IA</p> <p>Loc. R. 203(b)</p> | The court opts out of Fed. R. Civ. P. 26(a)(1). |
| W.D.N.C. | Identification of all discovery will be provided no later than the date of the initial pretrial conference. | <p>Types of cases: All civil cases except Social Security and pro se prisoner cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: No later than the date of the initial pretrial conference</p> | <p>Types of cases: All civil cases except Social Security and pro se prisoner cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: No later than the date of the initial pretrial conference</p> | <p>Types of cases: All civil cases except Social Security and pro se prisoner cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: No later than the date of the initial pretrial conference</p> | |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|---------------|--|--|--|--|---|
| D.N.D. | The scheduling order will include a statement that the parties have voluntarily agreed to exchange information. | IA | IA | IA | The court will actively monitor disclosure and discovery. |
| D. N. Mar. I. | IA | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: The disclosures will be made at or within 10 days before the case management conference.</p> | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Each party will disclose to other parties the identity of any person who may be called at trial to present evidence under Fed. R. Evid. 702, 703, or 705.</p> <p>Timing: These disclosures will be made at the times and in the sequence directed by the court. In the absence of other directions, the disclosures will be made at least 90 days before the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after disclosure by the other party.</p> | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: The disclosures will be made at or within 10 days of the case management conference.</p> | Every party will file and serve a predisclosure statement no later than 10 days prior to the date of the case management conference. |
| N.D. Ohio | <p>Parties are encouraged to exchange relevant information on a voluntary and informal basis.</p> <p>Loc. R. 8:4.2(a)(4) (1/1/92; Revised 12/15/92, 12/1/93)</p> | IA | IA | IA | The nature of disclosure is set forth in the case management plan established for each case. |
| S.D. Ohio | IA | IA | IA | IA | If Fed. R. Civ. P. 26(a)(1), (f), and (d) are revised, the court will do the following: adopt a local rule that parties are not obligated to provide the initial disclosures prescribed by Fed. R. Civ. P. 26(a)(1) unless as agreed by |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|------------|---|--|---|---------------------------|---|
| | Loc. R. 37.1 (10/91) | | | | the parties or as ordered by the judge; adopt a local rule that parties are encouraged but not obligated to meet and confer and prepare a joint discovery plan unless ordered by the judge; and adopt a local rule that unless ordered by the judge or agreed upon by the parties, discovery may begin at any time. |
| E.D. Okla. | Each party will, without awaiting a discovery request, disclose in writing to every opposing party, to the full extent known to the disclosing party, this information: the factual basis of every claim or defense advanced by the disclosing party, and the legal theory upon which each claim or defense is based. | IA | IA | IA | |
| N.D. Okla. | Voluntary disclosure is encouraged. Loc. R. 16.1(C)(6) Loc. R. 26.1(E) | Types of cases: All civil cases Things to be disclosed: Insurance agreements Timing: With the disclosing party's first responsive pleading | IA Loc. R. 16.1(H)(10) | IA Loc. R. 16.2(A) | Because of the uncertainty surrounding mandatory discovery, the court will not implement mandatory disclosure. The court opts out of and declines to apply the provisions of Fed. R. Civ. P. 26(a)(1)(A), (B), and (C) concerning initial required disclosures. Loc. R. 16.2(D) Loc. R. 26.3(a) |
| W.D. Okla. | Voluntary disclosure is encouraged and there must be a good faith effort made to resolve discovery disputes. | Types of cases: All cases Things to be disclosed: Core information Timing: Prior to the status/scheduling conference | Types of cases: All civil cases Things to be disclosed: expected testimony, qualifications, and their opinions Timing: The date to exchange this information is | IA | If privilege is asserted, that party must provide a list of documents with authors, addresses, dates, subject matter, and privilege asserted. Each party is under a continuing obligation to supplement disclosure with additional information. All disclosures must be signed |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|----------|--|--|---|---------------------|--|
| | Loc. R. 17(C) (12/31/91; Revised 6/15/93, 4/20/94) Loc. R. 14(E) (9/1/82; Revised 3/27/86, 4/6/92) | Loc. R. 17(C) (12/31/91; Revised 6/15/93, 4/20/94) | set at the status/scheduling conference and included in the scheduling order. Loc. R. 17, Civil Status and Scheduling Conferences; Management (9/1/82; Revised 2/7/83, 5/20/83, 8/11/86, 12/31/91, 6/15/93, 4/20/94) | | by the attorney of record. Loc. R. 17(C) (12/31/91; Revised 6/15/93, 4/20/94) |
| D. Or. | IA | IA Loc. R. 230-1(a) | IA | IA | |
| E.D. Pa. | The court encourages cooperative discovery arrangements to reduce expense and delay. The parties may stipulate to extend the scope of discovery. | Types of cases: All civil cases Things to be disclosed: Core information Timing: Without awaiting a discovery request, disclosure will occur within 30 days after service of an answer to the complaint, by each defendant within 30 days after serving the answer, and in any event, by any party that has appeared within 30 days after receiving from another party a written demand for early disclosure. Parties are required to supplement their disclosure, if appropriate. | IA | IA | Except by leave of the court or upon agreement of the parties, parties may not seek discovery from any source before making the required disclosure. Every disclosure or supplement made by a party represented by an attorney will be signed by at least 1 attorney of record. A party not represented by an attorney will sign the disclosure. This signature is a certification under the Fed. R. Civ. P. that the signer has read the disclosure and, to the signer's best knowledge, information, and belief, formed after reasonable inquiry, it is complete. |
| M.D. Pa. | Yes | Types of cases: All civil cases Things to be disclosed: The name and title/position of each person whose identity has been disclosed, categories of documents already disclosed or produced, categories of documents that will be disclosed, and both the plaintiff's and the defendant's computation of | Types of cases: All civil cases Things to be disclosed: Reports from retained experts Timing: The timing is determined in the discovery/case management plan. | IA | |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|----------|--------------------------------|--|---|--|---|
| | | damages. Timing: At least 14 days prior to the initial scheduling/case management conference. Loc. R. 26.2(D) (Revised 94) | | | |
| W.D. Pa. | IA | IA | IA | IA | |
| D.P.R. | IA | Types of cases: All cases Things to be disclosed: Core information Timing: Unless the court otherwise directs, these disclosures will be made within 30 days after service of an answer to the complaint. | Types of cases: All cases Things to be disclosed: Names, curriculum vitae, and documentary evidence Timing: On or before a date set forth in the case management order | IA | The parties may, by stipulation, extend the scope of the obligation for self-executing discovery. |
| D.R.I. | Yes | IA District Court General Order of 5/9/94 | IA District Court General Order of 5/9/94 | IA District Court General Order of 5/9/94 | |
| D.S.C. | PD | Types of cases: All cases unless exempted by local rule. Things to be disclosed: Automatic disclosure of core information is already adequately covered by local rule. Local rule will be modified such that cases in which a claim is based on a contract theory will have a specific period in which to inspect and copy the documents used to establish the contract. Timing: 30 days from service of summons and complaint Loc. R. 7.01 (12/1/93) Loc. R. 7.02 (12/1/93) Loc. R. 7.03 (12/1/93) | Types of cases: All civil cases Things to be disclosed: Automatic disclosure of a curriculum vitae for all named experts who may testify Timing: Timing of disclosure will be set in the scheduling order | IA | The local rules will be revised to allow an unlimited number of requests to admit. |

Table 5: Disclosure

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Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|--|--|--|--|--|
| E.D. Tex. | IA | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Core information</p> <p>Timing: Disclosure by plaintiffs occurs within 30 days after service of an answer to its complaint or removal of the action from state court, whichever occurs later. Disclosure by defendants occurs within 30 days after serving the answer to the complaint or removal from state court. Disclosure by any party that has appeared in the case occurs within 30 days after receiving from another party a written demand for accelerated disclosure accompanied by the demanding party's disclosures.</p> | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Each party will disclosed to every other party evidence that will be presented at trial under Fed. R. Evid. 700, 703, and 705. The disclosure will include a complete statement of all opinions to be expressed and the basis and reasons therefor, exhibits in support of such opinions, witness qualifications, a listing of all cases in which the witness has testified as an expert at trial or in deposition during the preceding 4 years, a list of publications by the witness within the past 10 years, and compensation paid. (This is a revision of the disclosure requirements in the original CJRA Plan, by general order on 10/94.)</p> <p>Timing: Unless the judicial officer designates a different time, disclosure occurs at least 90 days before the date the case is to be ready for trial. If the evidence is for contradiction or rebuttal only, disclosure occurs within 30 days of the disclosure of the evidence to be contradicted or rebutted. By order, the judicial officer may alter the type or form of disclosure to certain experts or categories of experts.</p> | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: Witnesses' name, address, and telephone, designation of witnesses' testimony to be presented by deposition and appropriate identification of documents and exhibits, including summaries of other evidence</p> <p>Timing: Unless otherwise ordered, disclosure occurs at least 30 days before trial.</p> | <p>A party is not excused from disclosure because the investigation of the case has not been completed, because there is a challenge to the sufficiency of another party's disclosures, or because another party has not made its disclosures. All disclosures will be made in writing and signed by the party or counsel in accordance with Fed. R. Civ. P. 11. Counsel will meet to exchange disclosures, or disclosures will be served under local rule. Parties will file a prompt notice with the court that the required disclosure has taken place. After disclosure, each party is under a duty to reasonably supplement or correct its disclosures.</p> |
| N.D. Tex. | The parties will be encouraged (and directed if necessary) to produce and exchange documents upon informal requests. | <p>Types of cases: Complex cases and other cases at the judge's discretion</p> <p>Things to be disclosed: The</p> | IA | IA | Where feasible, litigants should mutually agree to forego or significantly curtail formal discovery. A judge may impose limits on |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|---|--|--|--|---|
| | | <p>parties must be prepared to identify and exchange core information relevant to the case including names and addresses of persons with information relevant to claims and defenses as well as the location and custodians of relevant documents.</p> <p>Timing: At the discovery scheduling conference</p> | <p>Loc. R. 8.1(c) (3/78; Revised 12/87 by Special Order 2-2)</p> | <p>Loc. R. 7.1(a) (3/78) Loc. R. 8.1(a) (3/78) Loc. R. 8.1(b) (3/78) Loc. R. 8.1(c) (3/78) Loc. R. 8.2(c) (3/78) Loc. R. 8.3 (3/78)</p> | <p>discovery at any time.</p> |
| S.D. Tex. | Each judge will order discovery to proceed under the proposed Fed. R. Civ. P. 26 in a minimum of 20 cases per year in the Houston Division, and 10 cases per year in the remaining divisions. The practice will be annually evaluated to assess its effectiveness and to consider expansion or discontinuation. | IA | IA | IA | |
| W.D. Tex. | IA | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: A list of proposed witnesses and a list of proposed trial exhibits</p> <p>Timing: The plaintiff will file this information within 40 days after the first defendant's appearance. The defendant will file this information within 30 days after the plaintiff's disclosure.</p> <p>Loc. R. CV-16(c) (Revised 1/94)</p> | <p>Types of cases: All civil cases</p> <p>Things to be disclosed: A list of proposed expert witnesses and a written summary of their testimony</p> <p>Timing: The plaintiff will file this information within 40 days after the first defendant's appearance. The defendant will file this information within 30 days after the plaintiff's disclosure.</p> <p>Loc. R. CV-16(e) (Revised 1/94)</p> | <p>IA</p> <p>Loc. R. CV-16(e) (Revised 1/94)</p> | <p>The current pretrial order will be revised to eliminate the requirement that expert witness testimony be summarized.</p> |
| D. Utah | The court embraces the concept of voluntary exchange. To accelerate that process, the court will | IA | IA | IA | (Since the adoption of the CJRA Plan, the court has adopted Fed. R. Civ. P. 26 on an interim basis. The court |

Table 5: Disclosure

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Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-------------|--|---|---|--|---|
| E.D. Wash. | IA | IA | IA | IA | In the CJRA Plan, the court took no action on voluntary or cooperative discovery, arguing that it would be premature while the Supreme Court was considering a proposed rule for mandatory exchange of information. Subsequent to the CJRA Plan, General Order 81-A (10/12/94) orders application of Fed. R. Civ. P. 26 to all civil actions, except those listed below, filed on and after 11/1/94 and to any action filed prior to that date if specifically ordered by the judge in whose court the action is pending. The types of actions not subject to Fed. R. Civ. P. 26 are: bankruptcy appeals, Social Security appeals, equal access to justice actions, statutory penalty actions, review of action of governmental agency where the matter is heard on the administrative record, actions to register or enforce judgments, and habeas corpus actions. A party or litigant may make application to the court in any individual action for relief from the requirements of any portion of Fed. R. Civ. P. 26. |
| W.D. Wash. | The court encourages voluntary exchange. | IA | IA | IA | The court will seek suggestions from the federal bar. |
| N.D. W. Va. | IA | Types of cases: All civil cases, unless exempted or otherwise ordered Things to be disclosed: Core information | Types of cases: All civil cases, unless exempted or otherwise ordered Things to be disclosed: Signed, written reports, | Types of cases: All civil cases, unless exempted or otherwise ordered. Things to be disclosed: Other than for impeachment | The court may alter the type or form of disclosures to be made by particular experts (or categories of experts). All disclosures will be written and signed by the |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-------------|---|---|--|--|--|
| | | Timing: Disclosure occurs within 30 days of service of an answer to the complaint. Except for expert witnesses, all discovery will be completed 180 days after service of an answer. | including a complete statement of all opinions expressed (with reasons and basis), the data or information relied upon, any supporting exhibits to be used, qualifications, and a listing of other cases where the witnesses have appeared. Alternatively, a party may disclose the required information through a deposition within the core information disclosure time frame. Timing: Disclosure occurs within 150 days after service of an answer to plaintiff's complaint, or within 45 days of plaintiff's disclosure. Discovery of expert witnesses will be completed within 45 days following the defendant's disclosure. | purposes, the names, addresses, and telephone numbers of witnesses, designation of witnesses whose testimony will be presented by deposition, with a transcript of pertinent portions (if not taken by stenographic means), and appropriate identification of documents and exhibits (including summaries of other evidence) Timing: Disclosure occurs at least 30 days before the close of the 180-day discovery period. Admissibility or objections under Fed. R. Civ. P. 32(a) must be made within 14 days of the disclosures. | party or counsel. All disclosures will be served, and unless otherwise ordered, promptly filed with the court. |
| | Loc. R. 2.13 | | | | |
| S.D. W. Va. | The court encourages cost-effective discovery through voluntary exchange of information and the use of cooperative discovery devices. Loc. R. 3.01 Loc. R. 2.06 | IA Loc. R. 3.01 Loc. R. 3.03 Loc. R. 3.04 Loc. R. 3.05 Loc. R. 3.06 | IA Loc. R. 3.01 | IA Loc. R. 3.01 Loc. R. 3.03 Loc. R. 3.04 Loc. R. 3.05 Loc. R. 3.06 | |
| E.D. Wis. | Voluntary exchange of information is encouraged. | Types of cases: All civil cases except administrative review, habeas corpus, collection, and pro se prisoner cases Things to be disclosed: Core information through mandatory interrogatories Timing: Plaintiff's answers to mandatory interrogatories will be served on all opposing parties within 30 | Types of cases: All civil cases Things to be disclosed: Each party will disclose to every other party the substance of all expert witness evidence to be presented at trial. Timing: Disclosure is required at least 90 days before the date of the trial. Rebuttal evidence is due within 30 days of the date of | IA | |

Table 5: Disclosure

| District | Voluntary Exchange Encouraged? | Required Disclosure | Disclosure of Expert Witnesses | Pretrial Disclosure | Other |
|-----------|--|--|--|-----------------------|--|
| | Loc. R. 7.07 (1/1/92) | days after an answer is served. Defendant's answers to mandatory interrogatories must be served no later than 30 days after date of service of plaintiff's mandatory interrogatories. Loc. R. 7.07 | the trial. Loc. R. 7.07(d)(1) Loc. R. 7.07(d)(2) | Loc. R. 7.07 (1/1/92) | |
| W.D. Wis. | The court encourages voluntary exchange through local rule, but leaves the task of cooperating to the parties. | IA | IA | IA | All aspects of Fed. R. Civ. P. 26 are in effect for all cases, except those exempted by General Order (12/6/93) from the requirements of Fed. R. Civ. P. 26(a)(1) and 26(f); pro se cases, collection and mortgage forfeiture cases, Social Security appeals, and matters related to bankruptcy proceedings. |
| D. Wyo. | IA Loc. R. 26 (Revised 6/94) Loc. R. 16 (Revised 11/93) | Types of cases: All civil cases Things to be disclosed: Core information as well as a list of fact witnesses with a summary of their expected testimony, copies of disputed contracts, medical reports, and laboratory tests. Timing: The court refers to required disclosure as self-executing routine discovery exchange, and will impose a continuing obligation to immediately submit routine discovery to the opposing party when obtained. Loc. R. 26(g) (Revised 6/94) | IA Loc. R. 16 (Revised 11/93) | IA | |